

## HUMAN SERVICES DEPARTMENT[441]

### Notice of Intended Action

#### **Proposing rule making related to aftercare services program and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 187, “Aftercare Services Program,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 217.6 and 234.46.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 234.46.

#### *Purpose and Summary*

The rules in Chapter 187 were reviewed as part of the Department’s five-year rules review. This proposed rule making:

- Extends eligibility to youth aged 21 and 22, regardless of whether the youth participated in aftercare services between the ages of 18 and 21 years old.
- Extends eligibility to youth who participate in the Preparation for Adult Living (PAL) program, even if the youth did not spend 6 of 12 months in foster care prior to aging out of care.
- Adds supervised apartment living to the list of foster care placements because placements can include a variety of settings.
- Clarifies the meaning and intent of “preservices.”
- Refines termination rules for youth who are participating in two similar services to avoid duplication.
- Allows youth to use a full \$600 in extended services funds in a half-year, instead of the \$300 per quarter that is currently allowed in Chapter 187. Advocates and youth have reported a desire to have more flexibility to use these funds.

These changes align the rules with Iowa Code section 234.46.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

#### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 5, 2022. Comments should be directed to:

Nancy Freudenberg  
Department of Human Services  
Hoover State Office Building, Fifth Floor  
1305 East Walnut Street  
Des Moines, Iowa 50319-0114  
Email: [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us)

### *Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **187.2(3)“a”** as follows:

*a. Preservices.* The youth must meet eligibility requirements for preservices as described below:

- (1) The youth is at least 17 years of age; and
- (2) The youth ~~was~~ is placed in foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center; was adopted from foster care after reaching 16 years of age; or entered a subsidized guardianship arrangement from foster care after reaching 16 years of age; and
- (3) The youth has access to funding for preservices provided in contract that has not been fully expended for the contract year.

ITEM 2. Rescind subparagraph **187.2(3)“c”(3)**.

ITEM 3. Renumber subparagraph **187.2(3)“c”(4)** as **187.2(3)“c”(3)**.

ITEM 4. Amend subparagraph **187.2(3)“d”(2)** as follows:

(2) Foster care may include, but is not limited to, placement in:

1. A foster family home; or
2. A foster care group home; or
3. An emergency shelter; or
4. Supervised apartment living; or
4. 5. A preadoptive home; or
5. 6. The home of a relative or suitable person; or
6. 7. A psychiatric medical institution for children (PMIC).

ITEM 5. Amend subrule 187.3(1) as follows:

**187.3(1) Preservices.** ~~Planning, coordination of services, Informational~~ and trust-building activities may be provided to a youth placed out of home, as described in paragraph 187.2(3) “a,” who is expected to participate in aftercare services at 18 years of age or older. The administrator may provide funds as described in paragraph 187.3(4) “a.” However, funds provided to the youth in preservices will be deducted from available start-up funds in the youth’s first year of participation in core services.

ITEM 6. Amend subrule 187.3(6) as follows:

**187.3(6) Preparation for adult living (PAL) stipend.** When an eligible youth is actively participating in the program, the administrator or designee shall deliver the preparation for adult living program as described in Iowa Code section 234.46 and as follows:

a. To be eligible for the PAL stipend, the youth must:

(1) ~~Meet~~ Have met eligibility requirements in Iowa Code section ~~234.46~~ 234.46(1) upon reaching the age of 18 and meet eligibility requirements in rule 441—187.2(234); and

(2) ~~Have been placed out of home in exited~~ foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center as identified by Iowa Code chapter 232 on or after the youth's eighteenth birthday, ~~and have exited after having been in any combination of the same services in at least 6 of the 12 months before leaving placement; and~~

(3) ~~Be ineligible for voluntary foster care placement, due to~~ Meet one or more of the following criteria:

1. ~~The youth has a high school diploma~~ Be enrolled in or equivalent, actively pursuing enrollment in postsecondary education, a training program or work training; or

2. ~~The youth has reached 20 years of age,~~ Be employed for 80 hours per month or be actively seeking that level of employment; or

3. ~~The youth became eligible for aftercare services due to exiting the Iowa state training school or an Iowa detention center,~~ Be attending an accredited school full-time pursuing a course of study leading to a high school diploma; or

4. ~~The youth became eligible for aftercare services due to exiting court-ordered care in accordance with Iowa Code chapter 232 by a relative or another person with a significant relationship with the youth~~ Be attending an instructional program leading to a high school equivalency diploma.

b. ~~To be eligible for the PAL stipend, the youth must meet one or more of the following criteria:~~

(1) ~~Be enrolled in or actively pursuing enrollment in postsecondary education, a training program or work training; or~~

(2) ~~Be employed for 80 hours per month or be actively seeking that level of employment; or~~

(3) ~~Be attending an accredited school full-time pursuing a course of study leading to a high school diploma; or~~

(4) ~~Be attending an instructional program leading to a high school equivalency diploma.~~

c. b. The maximum monthly stipend shall be provided after completion of the youth's budget. The maximum amounts provided to a youth shall be stated in the contract and shall be based on program eligibility and guidelines, as follows:

(1) The monthly stipend shall be prorated based on the number of days of youth participation, for those entering and exiting the program during the month.

(2) When the monthly unearned income of the youth exceeds the overall maximum monthly stipend offered in the preparation for the adult living program, the youth is not eligible for payments under subrule 187.3(4) unless unused startup funds remain.

(3) When the net earnings of the youth exceed the overall maximum monthly stipend offered in the preparation for the adult living program, the monthly stipend shall be reduced by 50 cents for every dollar earned by the youth over the overall monthly maximum stipend.

(4) All earned and unearned income received by the youth during the 30 days before the determination shall be used to project future income. If the 30-day period is not indicative of future income, income from a longer period or verification of anticipated income from the income source may be used to project future income.

(5) Nonrecurring lump-sum payments are excluded as income. Nonrecurring lump-sum payments include, but are not limited to, one-time payments received for such things as income tax refunds, rebates, credits, refunds of security deposits on rental property or utilities, and retroactive payments for past months' benefits such as social security, unemployment insurance, or public assistance.

(6) The youth shall timely report the beginning and ending of earned and unearned income. A report shall be considered timely when made within ten days from the receipt of income or the date income ended.

(7) When the youth timely reports a change in income, the youth's prospective eligibility and stipend amount for the following month shall be determined based on the change.

(8) Recoupment shall be made for any overpayment due to failure to timely report a change in income or for benefits paid during an administrative appeal if the department's action is ultimately upheld. Recoupment may be made through a reasonable reduction of any future stipends.

(9) Recoupment shall not be made when a youth timely reports a change in income and the change is timely acted upon, but the timely notice policy in rule 441—16.3(17A) requires that the action be delayed until the second calendar month following the month of change.

(10) The stipend may be paid to the youth, the foster family, or another payee other than a department employee. The payee shall be agreed upon by the parties involved and specified in the individual self-sufficiency plan, described in subrule 187.3(2).

(11) The maximum stipend may be based on the age of the youth.

ITEM 7. Amend paragraph **187.3(7)“d”** as follows:

*d.* The extended services funds approved for the youth have not exceeded ~~\$300~~ \$600 for a ~~three-month~~ six-month period calculated from the date of initiation of extended services.

ITEM 8. Reletter paragraph **187.4(1)“e”** as **187.4(1)“f.”**

ITEM 9. Adopt the following new paragraph **187.4(1)“e”**:

*e.* The youth has entered a residential services program and has resided there for 60 days. Residential services program means a program where housing and support services are provided, including but not limited to homeless shelters or transitional living programs.